

Message Text

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71

ACTION IO-11

INFO OCT-01 ARA-06 EUR-12 ISO-00 EB-07 TRSE-00 COME-00 L-03

ACDA-05 CIAE-00 DODE-00 PM-04 H-02 INR-07 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 AID-05 CIEP-01 STR-04

OMB-01 CEA-01 NSCE-00 SSO-00 USIE-00 INRE-00 /094 W

----- 049737

O R 090005Z MAR 76

FM AMEMBASSY LIMA

TO SECSTATE WASHDC IMMEDIATE 9211

INFO USUN NEW YORK

AMEMBASSY LONDON

AMEMBASSY BONN

AMEMBASSY PARIS

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EO 11642: N/A

TAGS: ECOSOC, EFIN, OCON, PE

SUBJECT: UN COMMISSION ON TRANSNATIONAL CORPORATIONS -

FRG REPRESENTATION ISSUE

REF: USUN 0863, STATE 050542, LIMA 1963

1. TRANSMITTED BELOW IS THE TEXT OF A GDR LETTER SUBMITTED TO THE CHAIRMAN OF THE TNC COMMISSION PROTESTING THE DESIGNATION OF GUNTHER AS THE HEAD OF THE FRG DELEGATION TO THIS SESSION. ACCORDING TO SECRETARIAT OFFICIAL, IDENTICAL LETTERS HAVE BEEN SUBMITTED BY BYELO-RUSSIA AND USSR. SECRETARIAT OFFICIAL (NEKRASSOV) IS CONFUSED BY IMPORT OF FINAL PARAGRAPH ASKING THAT THESE VIEWS BE "REFLECTED IN A SUITABLE FORM" BUT SUGGESTED THAT SOME REFERENCE MIGHT BE MADE IN THE FINAL REPORT OF THE SESSION. U.S. REP PROTESTED ON GROUNDS THAT UNLESS THE LETTERS WERE OFFICIALLY CIRCULATED (WHICH PER SOVIET

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REQUEST THE SECRETARIAT DOES NOT PROPOSE TO DO), THE LETTERS WERE

NOT BEFORE THE COMMISSION AND THUS THEIR CONTENTS COULD NOT BE REFLECTED IN ANY COMMISSION DOCUMENTATION.

2. REQUEST DEPARTMENT'S ADVICE ON HOW TO HANDLE QUESTION FROM HERE. IF LETTERS ARE FORMALLY CIRCULATED, WE ASSUME THAT WE (AND OTHER BONN ALLIES) WOULD RESPOND ALONG LINES OF A/10127 (OR LATEST UN MISSION'S RESPONSE TO SOVIET LETTER REPORTED USUS 0863). WE ARE INCLINED NOT TO SUBMIT A LETTER TO THE CHAIRMAN AT THIS POINT SINCE THE SOVIET, GDR, AND BYELO-RUSSIAN LETTERS ARE STILL IN THE NATURE OF A PRIVATE COMMUNICATION. WE WOULD MAKE CLEAR TO HIM, HOWEVER, OUR STRONG FEELINGS ON THIS ISSUE AND OUR OPPOSITION TO INCLUDING ANY REFERENCE TO THE INFORMAL CORRESPONDENCE IN THE FORMAL RECORDS OF THE COMMISSION.

3. IN ACCORDANCE WITH AN OFFICIAL FRG REQUEST, OFFICIAL LIST OF DELEGATES IS BEING REVISED TO SHOW FULL TITLES OF DELEGATION.

4. TEXT OF LETTER FOLLOWS: QUOTE
MR. EDUARDO VLADEZ
CHAIRMAN OF THE COMMISSION ON
TRANSNATIONAL CORPORATIONS
LIMA, MARCH 4, 1976

DEAR MR. CHAIRMAN,

WHEN READING THE LIST OF REPRESENTATIVE TO THE SECOND SESSION OF THE COMMISSION ON TRANSNATIONAL CORPORATIONS, CIRCULATED AS DOCUMENT E/C. 10/INF.3 I WAS SURPRISED TO NOTE THAT A REPRESENTATIVE OF THE FEDERAL OFFICE FOR THE SUPERVISION OF CARTELS AND TRUSTS, WHICH WAS SET UP ILLEGALLY IN BERLIN (WEST), HAS BEEN NAMED AS THE REPRESENTATIVE OF THE FEDERAL REPUBLIC OF GERMANY.

ACCORDING TO THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971, BERLIN (WEST) CONTINUES NOT TO BE A CONSTITUENT PART OF THE FEDERAL REPUBLIC OF GERMANY AND NOT TO BE GOVERNED BY IT. ACCORDINGLY, THE ACTIVITIES OF THE FEDERAL OFFICE FOR THE SUPERVISION OF CARTELS AND TRUSTS IN BERLIN (WEST), WHICH ILLEGALLY EXERCISES JURISDICTION OF THE FEDERAL REPUBLIC OF GERMANY IN AND OVER BERLIN (WEST), STAND IN CONTRADICTION TO THE QUADRIPARTITE AGREEMENT. IT IS WELL KNOWN, HOWEVER, THAT ABOVE ALL THIS AGREEMENT IS OF PARAMOUNT IMPORTANCE LIMITED OFFICIAL USE

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FOR PEACE, SECURITY AND DETENTE IN THIS AREA.

THE ATTEMPT TO SEND A REPRESENTATIVE OF THE FEDERAL OFFICE FOR THE SUPERVISION OF CARTELS AND TRUSTS AS A REPRESENTATIVE OF THE FEDERAL REPUBLIC OF GERMANY TO THE UNITED NATIONS IS DIRECTED AGAINST DETENTE AND CO-OPERATION AND RUNS COUNTER TO THE EFFORTS OF THE UNITED NATIONS IN THIS FIELD AND TO THE QUADRIPARTITE AGREEMENT, WHICH IS BINDING IN INTERNATIONAL LAW.

FOR THIS REASON THE DELEGATION OF THE GERMAN DEMOCRATIC REPUBLIC
IS NOT IN A POSITION TO RECOGNIZE THE NOMINATION OF THE REPRESENTATIVE

OF THE FEDERAL OFFICE FOR THE SUPERVISION OF CARTELS AND TRUSTS AS
THE REPRESENTATIVE OF THE FEDERAL REPUBLIC OF GERMANY AND TO ACCEPT
HIS CREDENTIALS.

WE WOULD, THEREFORE, LIKE TO REQUEST YOU TO HAVE THE POSITION
OF THE DELEGATION OF THE GERMAN DEMOCRATIC REPUBLIC REFLECTED IN A
SUITABLE FORM IN CONNECTION WITH DOCUMENT E/C. 10/INF. 3 OF 3 MARCH 1
976.

PLEASE ACCEPT, MR. CHAIRMAN, THE ASSURANCES OF MY DISTINGUISHED
CONSIDERATION.

PROF. DR. HEININGER
HEAD OF DELEGATION IN THE
COMMISSION ON TRANSNATIONAL
CORPORATIONS

END QUOTE
DEAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, MULTINATIONAL CORPORATIONS, COMMITTEE MEETINGS, MEETING DELEGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: BoyleJA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976LIMA02251
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760088-0141
From: LIMA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760381/aaaactbd.tel
Line Count: 136
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 50542, 76 LIMA 1963
Review Action: RELEASED, APPROVED
Review Authority: BoyleJA
Review Comment: n/a
Review Content Flags:
Review Date: 20 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 APR 2004 by ElyME>; APPROVED <16 AUG 2004 by BoyleJA>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UN COMMISSION ON TRANSNATIONAL CORPORATIONS - FRG REPRESENTATION ISSUE
TAGS: EFIN, OCON, EINV, PFOR, PE, GE, ECOSOC, UN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006